

Wetlands Bureau Decision Report

Decisions Taken
05/14/2007 to 05/20/2007

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

**2006-00041 LOWES COMPANIES INC
LITTLETON Unnamed Wetland Chub Brook**

Requested Action:

Amend permit to include restoring 1,329 square feet of wetland that was previously filled from past agricultural ditch maintenance that is now causing water to pond along Chub Brook. In addition, an eroding area within floodplain creation site will be stabilized by reshaping eroded soils, installing erosion control blankets, and reseeding with a wetland stabilization seed mix.

Conservation Commission/Staff Comments:

**In a letter dated January 23, 2006, the Littleton Conservation Commission stated that they chose not to intervene in the application, but they did submit a number of questions and concerns for DES to consider.

**In a letter dated March 1, 2006, the Riverbend Subcommittee of the Connecticut River Joint Commission stated that remain convinced that floodplain development is a dangerous and ill-advised use of space; however, they recognize that considerable efforts were made by the applicant to cooperate with the state and federal agencies to move the store further away from the river and closer to Route 302.

Inspection Date: 10/26/2004 by Craig D Rennie

APPROVE AMENDMENT:

Amend permit to read: Dredge and fill 47,756 square feet (1.1 acres) of palustrine scrub-shrub/emergent wetlands and impact 913 linear feet of a previously ditched stream channel, all within the 100-year floodplain of the Ammonoosuc River, to construct a commercial retail facility with an access road and associated parking. Impacts include 150 linear feet within the bank of the Ammonoosuc River to complete the proposed mitigation activities. Provide compensatory mitigation for wetland and floodplain impacts by creating 11.7 acres of palustrine scrub-shrub/emergent wetlands, enhancing 3.65 acres of transitional uplands, and by preserving the entire mitigation parcel of 28 acres (all within the 100-year floodplain) through the execution of a deed restriction. In addition, a 950 linear feet (1.9 acre) stream creation area will replace the impacted channel, and the wetland creation areas will provide on-site compensatory flood storage and active floodwater conveyance so that no significant increase in flood elevations will occur within the 100-year floodplain. Finally, 1,329 square feet of wetland along Chub Brook will be restored by removing old fill that is causing water to pond, and an eroded area within the floodplain creation site will be stabilized with erosion control blankets.

With Conditions:

1. All work shall be in accordance with revised plans by Rizzo Associates dated December 26, 2005 (Revised March 28, 2006), as received by the Department on March 29, 2006. In addition, wetland restoration and soil stabilization work associated with the May 16, 2007 permit amendment shall be done according to NHSC details provided to DES on April 5, 2007 and May 11, 2007.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed for each appropriate lot in this development shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Site Specific Program.
6. This permit is contingent on approval by the DES Dam Safety Program.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this Wetlands Permit and the Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer, wetlands scientist, erosion control specialist, and the contractor responsible for performing the work.
8. The applicant shall notify the Wetlands Bureau and the Littleton Conservation Commission in writing of their intention to commence construction no less than five (5) business days prior to construction.
9. The permittee shall designate a qualified professional engineer, wetland scientist, or erosion control specialist who will have the responsibility to ensure that the project is constructed in accordance with the approved plans, and that monitoring is accomplished

in a timely fashion, and remedial measures are taken if necessary. The Wetlands Bureau shall be notified of the designated professional prior to the start of work and if there is a change of status during the project.

10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. Work shall be done during low flow conditions.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
17. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
19. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
20. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
21. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
22. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

MITIGATION CONDITIONS:

Preservation:

23. This permit is contingent upon the execution of a deed restriction on 28 acres of land as depicted on plans received by DES on March 29, 2006.
24. This permit is contingent upon retaining an independent environmental monitor that will conduct annual inspections to ensure the continued protection of the conservation area.
25. The deed restriction to be placed on the conservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this restrictive language.
26. The final deed restriction language shall be submitted to the Wetlands Bureau for review and approval prior to the start of construction.
27. The plan noting the conservation area with a copy of the final restrictive language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
28. The conservation area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
29. Signs that indicate the location and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area.
30. Activities in contravention of the deed restrictive language shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).
31. A report outlining the status of negotiations with the Ammonoosuc Land Trust or other appropriate land conservation organization to place the 28-acre parcel under a permanent conservation easement shall be submitted by December 1 of each year until the parcel is secured for protection.

Wetland construction:

32. This permit is contingent upon the creation of 11.7 acres of palustrine scrub-shrub/emergent wetlands, enhancing 3.65 acres of transitional uplands, and creating 950 linear feet of stream to replace the impacted channel, all in accordance with plans received by DES on March 29, 2006.

33. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
34. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.
35. Wetland creation/enhancement areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
36. The permittee shall designate a qualified professional engineer, wetland scientist, or erosion control specialist who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
37. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
38. Wetland creation/enhancement areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
39. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five (5) full growing seasons.
40. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
41. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

With Findings:

1. The project is classified as a Major Project per NH Administrative Rule Wt 303.02(c), as impacts are greater than 20,000 square feet.
2. The Department held several pre-application meetings with the applicant and their agents on October 26, 2004, January 24, 2005, August 5, 2005, and on December 5, 2005 to provide regulatory guidance of ways to minimize overall impacts. Earlier versions of the proposed development located the commercial store significantly closer to the bank of the Ammonoosuc River.
3. Wetlands Bureau staff inspected the site on October 26, 2004 and found that the majority of the floodplain was dry as the Ammonoosuc River appears to have abandoned active use of the floodplain through the development of an incised channel and lateral bank erosion.
4. On January 9, 2006, DES received a Standard Dredge and Fill Application proposing to fill 50,467 square feet of wetlands for the commercial retail facility.
5. In a letter dated January 23, 2006, the Littleton Conservation Commission stated that they chose not to intervene in the application, but they did submit a number of questions and concerns for DES to consider.
6. On February 16, 2006, DES sent a "Request for More Information" letter to the applicant's engineer to address concerns raised from the Wetlands Bureau technical review and to address concerns raised by the Littleton Conservation Commission.
7. In a letter dated March 1, 2006, the Riverbend Subcommittee of the Connecticut River Joint Commission stated that they remain convinced that floodplain development is a dangerous and ill-advised use of space; however, they recognize that considerable efforts were made by the applicant to cooperate with the state and federal agencies to move the store further away from the river and closer to Route 302.
8. On March 29, 2006, DES received a response from the applicant's agent to the DES request for additional information, which included revised plans that summarize a reduced overall wetland impact of 47,756 square feet (1.1 acres).
9. At its closest point, the proposed commercial facility is to be setback 300 feet from the Ammonoosuc River to allow the river to adjust. This area will then be protected under a deed restriction to ensure that the area is preserved and the Ammonoosuc River is free to adjust its boundaries.
10. A detailed HEC-RAS hydraulic analysis (based on cross-sectional surveys) comparing existing and proposed conditions of the project site has shown that by lowering the mitigation site to an active floodplain elevation, it would replace flood conveyance areas

such that the 10-, 50-, and 100-year flood stages would not significantly increase. Overall, the hydraulic model indicates that only minor changes in flood stage and hydraulic characteristics will occur, and that abutting properties will not be adversely affected.

- 11. The need for the proposed impacts has been demonstrated by the applicant per Rule Wt 302.01.
- 12. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.
- 13. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
- 14. Public hearing is not required with the finding that the project will not impact wetland areas that are considered to be of special value from a local, regional, or state perspective pursuant to Wt 101.87.
- 15. This project will not impact wetlands of high value or areas with significant resources protected by RSA 482-A:8.
- 16. In response to concerns raised by an abutter, DES reviewed the Site Specific File No. WPS- 7452 for alteration of terrain impacts under the same project and finds that floodplain conveyance and storage will be created on-site so that no significant increase in flood elevations on the abutter's property or throughout this reach of the river will occur within the 100-year floodplain (See Hydraulic Analysis: Ammonoosuc River at Proposed Lowe's Littleton, NH dated January, 2006).
- 17. The Alteration of Terrain (Site Specific) program reviews projects to ensure that there is no increase in flood flow alterations off site resulting from certain projects and they issued permit WPS-7452 on April 7, 2006.
- 18. The applicant is providing compensatory mitigation for wetland and floodplain impacts by creating 11.7 acres of palustrine scrub-shrub/emergent wetlands, enhancing 3.65 acres of transitional uplands, and by preserving the entire mitigation parcel of 28 acres (all within the 100-year floodplain) through the execution of a deed restriction that will then be transferred to a conservation easement upon finding a willing easement holder. In addition, a 950 linear feet (1.9 acre) stream creation area will replace the impacted channel, and the wetland creation areas will provide on-site compensatory flood storage and active floodwater conveyance so that no significant increase in flood elevations will occur within the 100-year floodplain.; therefore the applicant has met the ratios and requirements of the mitigation rules under Chapter Wt 800.
- 19. The May 16, 2007 permit amendment is needed to restore 1,329 square feet of wetland that was previously filled from past agricultural ditch maintenance that is now causing water to pond along Chub Brook. In addition, an eroding area within floodplain creation site will be stabilized by reshaping eroded soils, installing erosion control blankets and reseeding with a wetland stabilization seed mix.

2006-02611 KALIL, CHARLES
BARTLETT Saco River

Requested Action:

Deny permit to dredge approximately 3,000 square feet within the bed and banks of the Saco River within a created pond (located in an overflow channel and hydrologically connected to the Saco River) to remove gravel washed out/eroded from existing island during flood event.

Conservation Commission/Staff Comments:

Motion for Reconsideration received May 31, 2007 from Chuck W. Kalil

DENY PERMIT:

Dredge approximately 3,000 square feet within the bed and banks of the Saco River within a created pond (located in an overflow channel and hydrologically connected to the Saco River) to remove gravel washed out/eroded from existing island during flood event.

With Findings:

Standards for Approval:

- 1. Pursuant to RSA 482-A:1, approvals must be consistent with the findings of public purpose, which holds that it is in the public good to protect the state's waters from unregulated alteration.
- 2. Pursuant to RSA 482-A:11,II, before granting a permit under this chapter, the department may require reasonable proof of ownership by a private landowner-applicant.
- 3. Pursuant to administrative rule Env-Wt 303.04(k)(1)-(4), requests for maintenance dredge of man-made ponds must meet the following criteria: the work is done within the original bounds of a legally-constructed project; the project is not located in or

adjacent to prime wetlands; the work does not exceed 20,000 square feet; and for man-made ponds, the pond has not been abandoned as defined in Env-Wt 101.01.

4. Administrative rule Env-Wt 101.01 defines "Abandoned" as the failure, for a period of 5 years, to maintain an existing structure in a condition so that it is functional and intact.
5. Pursuant to Env-Wt 303.02(g), removal of more than 20 cubic yards of rock, gravel, sand or mud or other materials from public waters shall be classified as a major project.
6. The Saco River is a Public Water as listed in the "Official List of Public Waters" revision date February 20, 2007.
7. Pursuant to RSA 482-A:3,II(a), the department shall submit to the governor and council all requests for permits approved by the department which meet the definition of major projects located in great ponds or public-owned water bodies under the rules of the department which have been approved by the department.
8. The applicant is required to delineate wetland boundaries and submit materials in accordance with Env-Wt 301.01.
9. The applicant is required to demonstrate by plan and example that each of the factors listed in Env-Wt 302.04(a) or (b), Requirements for Application Evaluation, have been considered in the design of the project.
10. Pursuant to Env-Wt 302.04(d)(1), the department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction.
11. Pursuant to Env-Wt 302.04(d)(2), the department shall not grant a permit if the project will contribute to significant degradation of the waters of the state.
12. Pursuant to Env-Wt 302.04(d)(3), the department shall not grant a permit if the project will cause random or unnecessary destruction of wetlands.
13. Pursuant to Env-Wt 501.02, applicants for wetlands permits are obligated to submit accurate plans of the proposed project
14. Pursuant to Env-Wt 304.06, , the applicant must submit proposed erosion and siltation control measures and methods of cofferdams.
15. The Saco River is a designated river under the New Hampshire Rivers Management and Protection Program (RSA 483). As such the Saco River Local Management Advisory Committee shall be allowed the opportunity to comment on any permit application pursuant to RSA 483:8-a,III(b).
16. RSA 482-A:3,XIV, provides that in processing application for permits, the Department shall within 75 days of the issuance of a notice of administrative completeness for projects where the applicant proposes under one acre of jurisdictional impact...request any additional information that the department is permitted by law to require to complete its evaluation of the application.
17. RSA 482-A:A:3,XIV, provides that any request for additional information shall specify that the applicant submit such information as soon as practicable and shall notify the applicant that if the requested information is not received within 120 days of the request, the department shall deny the application.

Findings of Fact:

1. On May 06, 1985, the NH Wetlands Board ("NHWB") received an application from Charles Kalil to dredge 20,000 cubic yards to "make pond" in the floodplain adjacent to the Saco River, file number K-432.
2. On May 13 1985, the NHWB issued permit K-432 to Charles Kalil to excavate a pond 450 feet by 200 feet, 1,000 feet from the (Saco) river in floodplain in an area adjacent to West Side Road.
3. On March 19, 1987, the NHWB received a request for a 2 year time extension of permit K-432 from Mr. Kalil to complete construction of this pond.
4. On May 28, 1988, the NHWB granted a 2 year time extension for Permit K-432.
5. On February 18, 1986, the NHWB received an application from Charles Kalil to remove 20,000 square feet or less of "gravel that piled up in a Saco River dry river bed", file number K-476. The application indicated work "would not occur in water".
6. On April 1, 1986 the NHWB issued permit K-476 for the gravel removal of 20,000 square feet of gravel from Saco River floodplain, with the condition "...that you do not go into the water table." The dredge occurred in the side channel of the Saco River.
7. The record of permit K-476 contains photographs taken October 08, 1987, which show a bucket excavator in the water of the river dredging and depositing dredge material into a 10-wheel dump truck, also parked in the water, in violation of the condition of permit K-476.
8. On September 5, 1986, the NHWB received an application from Charles Kalil to dredge 7,500 square feet to "improve beach", file number K-518.
9. The record of file K-518 includes a letter dated August 29, 1986, expressing concerns about the potential impact of this project from the Bartlett Selectmen.
10. On October 21, 1986, the NHWB issued Permit K-518 to, "improve beach adjacent to river -7500 sq. ft.".
11. On November 13, 1986, the NHWB received a request from Charles Kalil to amend permit K-518 to pave a wheel chair ramp

he had built to access the permitted beach.

12. On November 18, 1986, the NHWB issued an amendment to permit K-518 to pave a wheel chair ramp down to the beach.

13. On September 13, 1988, the NHWB received a request for a time extension for permit K-518 from Charles Kalil.

14. On September 20, 1988, the NHWB granted the first time extension for permit K-518, granted a second and final time extension March 26, 1991, both for the construction of the wheel chair ramp only.

15. On November 03, 1986, the NHWB received an application from Charles Kalil to dredge approximately 1 acre for a "farm pond", file number K-530. Following review of the proposal, the NHWB stated in a letter to Mr. Kalil dated December 17, 1986, that if proposed pond was[to be constructed] in the dry; a permit was not required.

16. On December 15, 1986, the NHWB received an application from Charles Kalil to dredge 3 acres to construct a second "farm pond" "adjacent" to the Saco River, file number K-534.

17. On January 06, 1987, the NHWB, issued permit K-534 to, "construct a 3 acre pond in the floodplain of the Saco River to create a farm pond and use the gravel".

18. On October 03, 1989, and on April 16, 1991, DES granted a first and a second/final time extension, respectively, for permit K-534.

19. In 1987 the NHWB received an application from Charles Kalil for rip rap and construction of a "keyway" file 1987-302.

20. On January 18, 1988, the NHWB issued permit 1987-302 to rip rap 350 linear feet and construct a 225 foot "keyway" across a "dry river bed" to prevent the "river changing course," with the condition that the keyway elevation remain at 502; proper erosion controls be used, SCS recommendations regarding rock size be followed, and no dredging in the river. This keyway was constructed directly north (upstream) of the work authorized by Permit K-534. Elevation 502 was considered to be the elevation of the western limit of the keyway.

21. On May 24, 1988, DES received an application from Charles Kalil to rip rap two areas of the bank of the Saco River, file 1988-973.

22. On August 23, 1988, DES issued permit 1988-973 to rip rap 125 linear feet of bank to control erosion, and which further stated "...with the condition that there be no further work in wetlands".

23. On May 7, 1990, DES received an application from Charles Kalil to rip rap 99 linear feet of the bank of the Saco River, file 1990-801.

24. On July 24, 1990, DES issued "Corrected" Permit 1990-801 to rip rap 99 linear feet of to prevent erosion in to the river, with the conditions that siltation controls be used and installed prior to construction; SCS recommendations be followed; no dredging in the river; no machinery in the river; work to be done during low flow; and [the permit was] subject to the Commissioner's approval.

25. On January 23, 1995, DES received an application from Charles Kalil to dredge 200 square feet of the Saco River flood plain to "maintain existing pond", "maintain rip rap" and "to use gravel on farm", file 1995-96.

26. On March 19, 1996, DES approved Permit 1995-96 to, "repair a rip rap section measuring 30 ft. x 10 ft. located on [so-called] Kalil Island and maintenance dredge 1,050 sq. ft. area by removing gravel washed into farm pond, and repair area of bank per plans received 10/18/95 and recommendations in letter received on 1/8/96 from the Natural Resource Conservation Service".

27. Permit 1995-96 and its subsequent time extensions included the condition stating: "This permit is for a one time repair and gravel removal, and is not for continual maintenance in the areas stated in this approval. If these areas continue to fail following completion of this work, time extensions or new approvals may not be considered."

28. On March 19, 1996, DES issued an After-the-Fact approval letter to Charles Kalil to retain the concrete poured in the river in excess of permit 1987-302 which was originally issued for construction of the rock keyway.

29. On March 20, 1998, DES granted a final time extension for Permit 1995-96.

30. On September 7, 1999, DES received a request from Charles Kalil to repair with rip rap 350-400 ft. of the existing keyway, stating that "immediate repairs were necessary to protect his property and public safety".

31. On September 8, 1999, DES issued Emergency Authorization 1999-1817 to Mr. Kalil to conduct repairs to approximately 400 square feet of the existing keyway.

32. On December 30, 1999, DES received an application from Charles Kalil to "dredge" approximately 4,500 square feet to repair existing keyway, file number 1999-2592.

33. On December 28, 2000, DES denied application 1999-2592 "...to fill approximately 4,500 square feet within the bed of the Saco River adjacent to an existing keyway (dam)", with findings.

34. Finding 19 in Support of Denial for DES File 1999-2592 states, "inspection by NHDES Staff on April 14, 2000, found that the project vicinity, referenced in past applications variously as "dry river bed" and "floodplain of the Saco River," could not be distinguished from the mainstem of the Saco River. The area thus appears to be the functional and geomorphological equivalent of the Saco River stream bed, albeit modified by past activities".

35. On July 20, 2000, DES received a request for reconsideration of the June 28, 2000 denial of application 1999-2592 from Charles Kalil.

36. On January 10, 2001, DES held a public hearing on Charles Kalil's request for reconsideration of the June 28, 2000 denial of application 1999-2592.
37. On February 28, 2001, DES reaffirmed denial of the June 27, 2000 denial of application 1999-2592, with the additional finding in support of denial stating "Based on review of this permit request, as well as previous files, the work conducted on the Kalil property represents significant impact to the Saco River."
38. On March 20, 2001, DES received a copy of the appeal filed by Charles Kalil to the NH Wetlands Council in response to the DES reaffirmation of denial of application 1999-2592.
39. On April 23, 2002, a Prehearing Conference was held with representatives of DES, Wetlands Council Chairman Brian Fowler, Charles Kalil, and Kalil's counsel John Baldi. At this meeting Kalil represented that spring [2002] storms had destroyed the keyway and portions of the island. This representation was supported by photos presented at the meeting.
40. On August 15, 2002, the NH Wetlands Council issued a Decision & Order Docket No. 2002-03, stating "...that the structure upon which the requested repairs were to be performed had been destroyed...Accordingly, and since the absence of the structure eliminates the need for a permit for in-place repair, the Council hereby closes its record on this matter..."
41. On July 24, 2003, DES received an application from Charles Kalil to impact approximately 19,000 square feet of the Saco River to repair the keyway, island and so-called farm pond, file 2003-1694.
42. On December 09, 2003, DES denied the application 2003-1694 to "... impact approximately 17,900 square feet within the bed and banks of the Saco River to complete repairs to an existing stone keyway and a washed out section of an existing island. Work will include dredging 7,000 square feet within a dugout pond (located in an overflow channel and hydrologically connected to the Saco River) to reclaim washed out gravel/cobble; filling 1,900 square feet within the bed of the river to repair an existing stone keyway; filling approximately 6,000 square feet within a washed out area of the island to repair a previously dry gravel/cobble point bar; and installing riprap along 100 linear feet of the island (3,000 square feet) to repair a washed out bank" based on the Finding in Support of Denial stating "Failure to provide evidence which demonstrates proof of ownership of the island property as required by RSA 482-A:11, II".
43. On December 24, 2003, DES received a letter from Charles Kalil requesting reconsideration of the December 9, 2003 denial of application 2003-1694.
44. On January 27, 2004, DES reaffirmed its denial of application 2003-1694 with the finding that "...the applicant has again failed to provide evidence which demonstrates proof of ownership of the island property as required by RSA 482-A:11, II".
45. On February 6, 2004, DES received a copy of the appeal filed by Charles Kalil to the NH Wetlands Council in response to the DES reaffirmation of denial of application 2003-1694.
46. On February 25, 2004, the NH Wetlands Council issued a Decision & Order Docket No. 04-03 WtC, stating that the Council found that the Appellants failed to establish proof of ownership of the property impacted during the DES process, therefore the "Notice of Appeal is declined" .
47. On October 02, 2006, DES received an application from Charles Kalil to dredge approximately 3,000 square feet within the bed and banks of the Saco River in the area of the so-called "farm pond" permitted under permit K-535 (actually K-534), to remove gravel washed out/eroded from existing island during flood event.
48. On October 12, 2006 DES issued a "Notice of Incompleteness" to the applicant because the following items were not provided in the application submission:
 - a) a list of abutters, their mailing addresses and certified mail receipts verifying notification by the applicant; and
 - b) plans, showing an overview and cross section of the project.
49. On October 26, 2006, DES received the overview and cross section plan; and a narrative that stated, "My north and south abutters are over one-quarter mile away. The others are either across the West Side Road or Saco River, under the wetland rules page 1 Wt 101.02 abutters."
50. On October 30, 2006, DES issued a "Notice of Administrative Completeness" to the applicant. Accordingly, the 75-day application review period for DES from the date of Administrative Completeness pursuant to RSA 482-A:3, XIV, would expire on January 13, 2007.
51. On January 12, 2007, DES Rivers Management Program provided email comments to the file stating that upon review of application 2006-2611, the following statutory provision applied: "RSA 483:9-a, IV, Rural River Protection, does not allow new channel alteration activities which interfere with or alter the natural flow characteristics of the river or segment. The channel at the proposed dredge location has been altered significantly in the past and allowing a new maintenance dredge to support that alteration would violate RSA 483:9-a, IV."
52. On January 12, 2007, DES sent a letter to Charles Kalil with comments, and requesting more information for application 2006-2611, including the following:
 - a) classification of the project as major, pursuant to Administrative Rule Env-Wt 302.04(g), removal of more than 20 cubic yards of rock, gravel, sand, mud, or other material from public waters, given that that the Saco River is a public water and that previous DES

inspections have established that the area of the so-called "farm" pond is indistinguishable from the Saco River; and indicating that as such, may be subject to a public hearing, and mitigation requirements.

b) revision of the plan to reflect a less impacting alternative to the Saco River channel, or withdrawal of the application;

c) delineation of wetland boundaries of the revised plan pursuant to Administrative Rule Env-Wt 301.01, (which requires wetlands be delineated according to the Army Corps of Engineers and stamped by a certified wetland scientist)

d) response to Rule Env-Wt 302.04(a)(1)-(20), Requirements for Application Evaluation;

response to Rule Env-Wt 304.06 relative to providing details of erosion/siltation control measures; and complete response to Rule Env-Wt 501.02(a)(1)-(6), Permit Procedure Additional Data.;

e) proof of the applicant's property ownership of the area proposed to be dredged pursuant to RSA 482-A:11, II.

f) statement of the DES Rivers Coordinator's comment relative to the limitation of alteration activities under RSA 483:9-a, IV. The 120-day deadline for the applicant's complete response to this Request For More Information letter, pursuant to RSA 482-A:3, XIV, is May 12, 2007.

53. On January 12, 2007, the Request For More Information letter was sent to Charles Kalil at PO Box 188, 362 Upper West Side Rd., North Conway, NH 03860, hand-carried to and sent via First Class Mail from the US Post Office at Concord NH by DES personnel on that same day.

54. The Standard Dredge and Fill Application as received by DES on October 02, 2006, did not include an email address or fax number for Mr. Kalil.

55. On January 12, 2007, at 3:58 PM, the January 12, 2007 Request For More Information was sent via fax to the Bartlett Conservation Commission. Confirmation of receipt of the fax was received by DES.

56. On January 17, 2007, DES received a letter from the Bartlett Conservation Commission dated January 16, 2007, commenting on the application, which states "The Bartlett Conservation Commission is concerned that work on the above mentioned permit application has begun without approval. It appears that substantial river embankment work has been done recently in this area on the Saco River. We are not aware of any permits that would allow this embankment project to move forward. Therefore we request that the DES perform a thorough and high level site inspection with your permitting and enforcement staff as soon as possible."

57. On January 26, 2007, DES received a letter from Charles Kalil dated January 25, 2007, claiming that DES was over its review time limit and requesting that DES send the permit for application 2006-2611. The letter did not provide any of the information requested by DES in its January 12, 2007, Request For More information letter.

58. On January 31, 2007, DES sent a copy of the January 12, 2007 Request For More Information letter for 2006-2611 to Charles Kalil via certified mail, along with a letter to Charles Kalil indicating that the original January 12, 2007, Request For More Information had been mailed to the applicant on January 12, 2007, and to date the original had not been returned to DES as undeliverable.

59. On February 05, 2007, DES received the US Postal Service confirmation of receipt of the certified mail letter signed by Jean Neally on February 2, 2007.

60. On February 06, 2007, DES received a letter from Charles Kalil dated February 5, 2007, stating that he never received the original January 12, 2007 Request For More Information from DES, although he did receive the copy sent by certified mail. He further stated that he would only respond to the requested information if DES could prove it sent the letter on January 12, 2007, as claimed. Mr. Kalil also requested "The full names of the engineer[sic] or engineers[sic] who came up with the brilliant idea[sic] for #3 in the letter dated 1/12/07 as well as all those who put this letter together[sic]." The letter did not provide any of the information requested by DES in its January 12, 2007, Request For More information letter.

61. On February 28, 2007, DES received a letter from Charles Kalil dated February 27, 2007, in which he stated, "We still havent [sic] recived [sic] the letter you claim to have sent that was dated 1/12/07 and it know[sic] 3+ week later sence [sic] I sent you my letter dated 2/5/07 sent by certified mail..." "I told you I would give it another week for you to send me proof you mailed me that letter dated 1/12/07 sence [sic] 2/5/07 we haven't[sic] heard from you eather[sic]. " "As stated in my letter dated 2/5/07 I want to know all the person that were responsible [sic] for putting the contants [sic] in that letter and if you were involved...and what they have to for there[sic] job working for the DES or if they are apointies [sic]". "Needless to say the DES is know [sic] 116+ day over due from giving us our permit # 2006-2611." This letter did not provide any of the information requested by DES in its January 12, 2007, Request For More information letter.

62. On March 15, 2007, DES received a letter dated March 15, 2007 via fax from Charles Kalil, stating, "Pursuant to provisions of RSA 91:A New Hampshire Right to Know Law. Please send me a letter stating you are going to be issuing me my permit under file #2006-02611 or not, and if not, why not.... I demand that you...issue my over due permit 2006-2611." The letter did not provide any of the information requested by DES in its January 12, 2007, Request For More information letter.

63. On March 16, 2007, DES received a letter dated March 16, 2007 via fax from Charles Kalil reiterating comments made in his previous letters. The letter further accuses DES of being "corrupt" since 1999, references "acts of conspiracy", suggests looking at the departure of previous DES employees, and states "Its [sic] not over till its over". The letter did not provide any of the

information requested by DES in its January 12, 2007, Request For More information letter.

64. On April 9, 2007, DES received a fax from Charles Kalil dated April 08, 2007, containing a letter dated March 14, 2007 from Wilson W. Stewart, LLS, of White Mountain Survey Co. Inc., stating that he, as a Licensed Land Surveyor, published a plan for Charles Kalil dated March 6, 2006, and recorded at the Carroll County Registry of Deeds at Book 214, Page 18, which demonstrates that, in his professional opinion, the thread of the Saco River forms the easterly boundary of land owned by Charles Kalil, and that he had also prepared a 12 unit subdivision plan for the property reflecting the same perimeter boundary, which he stated was "acknowledged" by the Town of Bartlett and given DES subdivision approval no. SA2006007359. This correspondence did not include response to any of the information requested by DES in its January 12, 2007 Request For More information letter other than the property ownership.

65. On April 9, 2007, DES received a letter with attachments from Charles Kalil in response to the DES January 12, 2007 Request For More Information. The letter does not provide specific technical response to the items requested, but expresses the opinions of Charles Kalil relative to Acts of Conspiracy, Crimes and Prosecution relative to the review process of file 2006-2611. The attachments include copies of materials contained in previous Kalil permit files, and a letter dated January 17, 2001 from Kalil to previous Rivers Management Coordinator Jim McCartney, which contains Kalil's description and opinions of the background history of the site and the river, all ostensibly in support of Kalil's current application request.

66. On April 13, 2007, DES received a packet of material dated April 08, 2007 from Charles Kalil, which contained a note suggesting that something is "going on" at DES. The attachments include a copy of a DES Technical review process flowchart, copies of materials faxed to DES on April 9, 2007, copies of Motion for Reconsideration and Petition for Appeal to the Wetlands Council of previous denials of applications of Charles Kalil. No response to the remaining outstanding items of the January 12, 2007 Request For More Information letter was provided.

67. On May 01, 2007, DES received a packet of material dated May 01, 2007, via fax from Charles Kalil reiterating comments stated in previous letters and containing additional comments and opinions. The attachments included a copy of the Standard Dredge and Fill Application pages 7 and 8, originally received by DES on October 02, 2006, application 2006-02611. No response to the remaining outstanding items of the January 12, 2007 Request For More Information letter was provided.

Findings in support of denial:

1. Review of previous records finds that the keyway associated with the pond was acknowledged by Charles Kalil to have been destroyed by storm events prior to April 2002.
2. The "absence of the structure...eliminates the need for repair" formed the basis for the NH Wetlands Council to close its appeal file on Kalil in August 2002, and thus the artificial creation of keyway and by extension the pond it supported is "abandoned" Per Env-Wt 101.01.
3. Prior actions by DES have established that the project area is not in an area separate from the Saco River, but is geomorphologically indistinguishable from the mainstem of the Saco River.
4. The applicant has been granted numerous permits over an 11 year period to artificially manipulate the Saco River, including dredging a so-called pond, constructing a "keyway" to manipulate flow, and removal of migrating gravel, (a similar request to that currently proposed).
5. In response to the ongoing effects of this manipulation, DES specifically conditioned permit 1995-96 to halt further artificial impacts to the Saco River by stating..."If these areas continue to fail following completion of this work, time extensions or new approvals may not be considered."
6. DES has established in previous actions that the work conducted on the Kalil property represents significant impacts to the Saco River.
7. The Saco River is a public water body, a designated river, and as such RSA 483:9-a, IV prohibits channel alteration activities, which alter the natural flow characteristics of the river.
8. Erosion and sediment deposition are natural processes of river dynamics and integral to the health of the river system. Artificial manipulation of these processes results, as the record demonstrates, in the need for continuous artificial intrusions, contrading the public purpose set out in RSA 482-A:1.
9. Dredge of 3,000 square feet at a depth of only 1 foot results in at least 111 cubic yards of dredge, which represents a major project in public waters, for which Governor and Executive Council approval is required.
10. Pursuant to RSA 482-A:3, II(a), the department shall submit to the governor and council all requests for permits approved by the department which meet the definition of major projects located in great ponds or public-owned water bodies under the rules of the department which have been approved by the Department.
11. The October 12, 2006, Notice of Incomplete Standard and Dredge and Fill Application (to which Charles Kalil responded), the October 30, 2006, Notice of Complete Standard Dredge and Fill Application, and the January 12, 2007, Request For More Information were mailed to the address provided on the Standard Dredge and Fill Application as received by DES on October 02, 2006 (PO Box 188 North Conway NH 03860).

12. The January 12, 2007, Request For More Information letter was timely and sent via First Class Mail by DES personnel from the US Post Office at Concord NH and has not been returned by the US Postal Office as unaccepted or undeliverable. There is no proof to support Mr. Kalil's allegation that he did not receive the January 12, 2007, Request For More Information or that the review of DES was untimely to support a contention that the application is "deemed approved".

13. Despite numerous submissions of material by Mr. Kalil ostensibly in support of his viewpoint, Mr. Kalil failed to provide a substantive technical response to the January 12, 2007, Request For More Information by the May 12, 2007, deadline. The 2006 request by the applicant has not been approved by DES.

2006-02897 TRIPP, GARY
SANBORNTON Unnamed Wetland

Requested Action:

Dredge and fill 400 square feet of intermittent stream including installation of a 19-inch x 28-foot culvert for driveway access and subdivide 12.79 acres into three residential house lots adjacent to Cawley Pond/Salmon Brook Prime Wetland.

APPROVE PERMIT:

Dredge and fill 400 square feet of intermittent stream including installation of a 19-inch x 28-foot culvert for driveway access and subdivide 12.79 acres into three residential house lots adjacent to Cawley Pond/Salmon Brook Prime Wetland.

With Conditions:

1. All work shall be in accordance with plans by Granite State Surveying dated August 29, 2007, and revised through April 17, 2007 as received by the Department on April 20, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. There shall be no impacts within the Town of Sanbornton 150 foot setback from the Prime Wetlands.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain the conditions of this approval.
6. Prior to the commencement of construction the permittee shall install orange construction fencing to define the natural upland buffer zone around the designated prime wetlands.
7. The boundaries of the wetland buffer shall be clearly marked prior to construction, shall be remain marked until construction is complete and the area is fully stabilized.
8. Work shall be done during periods of non-flow.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. Silt fencing must be removed once the area is stabilized.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The proposal is for access to a proposed buildable upland location.

3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The proposed culvert is approximately 400 feet upstream of the prime wetland boundary.
5. The proposed culvert is located within an intermittent stream which flows into the prime wetland complex.
6. The culvert under Route 132 is a newly installed culvert, that is non jurisdictional on the west side of the roadway.
7. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. A common driveway shared with lot 23 is impracticable as there is a previously existing driveway servicing the existing home located on that lot to the north of the proposed structure.
9. The proposed impact area is as far upstream of the prime wetland and still on lot 23-2.
10. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
11. The detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.
12. The plans provide for a "dry" culvert to the east of the proposed crossing area to alleviate any potential ponding that may occur on the lot.
13. The erosion controls, water velocity controls, grass treatment swales, stabilization methods, culvert sizing and invert elevations will protect the ability of the wetlands to retain floodwaters and silt.
14. The approved plans and conditions of the permit provide for a 150 foot buffer around the Prime Wetland area.
15. The project as approved and constructed in adherence to the provided construction sequence, erosion controls, water treatment system and maintenance program offsets impact from any increased runoff created by the development.
16. Based on findings above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.

Any party may apply for reconsideration with respect to any matter determined in this action within 20 days from the date of this notification. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to the Department when the decision was made. The Department may grant reconsideration if, in its opinion, good reason is provided in the motion.

**2007-00177 KEYSpan ENERGY DELIVERY, PATRICIA HAEDERLE
MANCHESTER Merrimack River**

Requested Action:

Dredge and fill approximately 9,300 cubic yards (approximately 53,000 sq. ft.) of coal tar and visually-impacted sediments from the bed of the Merrimack River and temporarily impact approximately 2,000 sq. ft. of river bank to construct an access way to a temporary 40 ft. x 40 ft. dock for offloading and loading dredge and fill materials. The dredge areas will be backfilled with a gravel filter layer and armored with 3 in. to 12 in. diameter rip-rap based on specified armoring needs for each dredge/velocity zone. In addition, man-made debris within the river travel route of the barges and boats and within the dredge area shall be removed to provide safe passage to and from the work area.

APPROVE PERMIT:

Dredge and fill approximately 9,300 cubic yards (approximately 53,000 sq. ft.) of coal tar and visually-impacted sediments from the bed of the Merrimack River and temporarily impact approximately 2,000 sq. ft. of river bank to construct an access way to a temporary 40 ft. x 40 ft. dock for offloading and loading dredge and fill materials. The dredge areas will be backfilled with a gravel filter layer and armored with 3 in. to 12 in. diameter rip-rap based on specified armoring needs for each dredge/velocity zone. In addition, man-made debris within the river travel route of the barges and boats and within the dredge area shall be removed to provide safe passage to and from the work area.

With Conditions:

1. All work shall be in accordance with plans by Anchor Environmental, LLC, plan sheets titled Proposed Dredge Area and River Armoring Zones, Property Boundaries for Staging and Laydown Area, Typical Cross Sections C-1 and C-2, dated May 2007, as received by DES on May 4, 2007, Floating Dock and Access Ramp Transition, Floating Dock Details, Offloading Area Plan and Replanting and Restoration Plan, as received by DES on May 17, 2007; and narratives by Gove Environmental Services, Inc., dated

January 2007, as received by DES on January 23, 2007, and dated April 10, 2007, as received by DES on April 10, 2007.

2. This permit is contingent on approval by the DES Waste Management Division.
3. The applicant shall obtain temporary construction easements or written agreements from project landowners and landowners within 20 feet of work being conducted within the jurisdiction of the DES Wetlands Bureau. Copies of the agreements or recorded easements from the affected landowner shall be submitted to DES Wetlands Bureau File No. 2007-177 prior to the start of construction in jurisdiction.
4. Work within the river shall occur between June 1 and November 30 unless authorized by the DES Wetlands Bureau in consultation with the New Hampshire Fish and Game Department.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
13. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
14. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
15. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species within three days of completion of construction.
16. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed project is in response to an investigation conducted by Keyspan Energy Delivery and requested by DES to investigate environmental conditions at its 130 Elm Street, Manchester property, the location of a former manufactured gas plant (MGP) that operated between the mid 1800s and mid 1900s. Through the investigation it was found that contaminants from the MGP were located in soil and groundwater down gradient of the property and within the sediments of the Merrimack River. The contaminated sediments covering approximately 53,000 sq. ft. were determined to require remediation as it met the DES criteria for Readily Apparent Harm.
6. The applicant has been working with the DES Waste Management Division, Site Remediation Program to remove the contaminated sediments from the Merrimack River.
7. The New Hampshire Natural Heritage Bureau (NHB) identified two animal species near the proposed project area. The species consist of the State endangered brook floater (*Alasmidonta varicosa*) and State endangered and Federal threatened bald eagle (*Haliaeetus leucocephalus*). NHB requested that the applicant contact the New Hampshire Fish and Game Department (NHFG) and the United States Fish & Wildlife Service (USFWS).
8. The applicant had an intensive underwater survey conducted for the presence of the brook floater. There were no brook floaters

found during the survey.

9. The NHFG approved of the proposed project and determined there would be no issues with wintering bald eagles with a dredging window between May 1 and November 1, 2007.
10. Other than wintering bald eagles, the USFWS found no federally-listed or proposed, threatened or endangered species or critical habitats under the jurisdiction of the USFWS within the vicinity of the proposed project. Additionally, with a construction period of May 1 to November 30 the USFWS does not expect any adverse affects to wintering bald eagles.
11. The NHFG approved of the proposed project regarding anadromous fisheries, as long as dredging of the riverbed did not occur before June 1, 2007 and ended by November 30, 2007.
12. The proposed project to remove hazardous material and replace within the original footprint clean, suitable substrate replaces the functions of the resources impacted and meets Env-Wt 801.01.
13. The proposed project will have great benefit to water quality, wildlife and riverine habitat, restores the functions of a degraded area, and meets the requirements of Env-Wt 803.06.
14. The public hearing was held at DES on May 17, 2007, no parties spoke in opposition of the proposed project.

Any party may apply for reconsideration with respect to any matter determined in this action within 20 days from the date of this notification. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to the Department when the decision was made. The Department may grant reconsideration if, in its opinion, good reason is provided in the motion.

**2007-00418 TOWN OF ALSTEAD
ALSTEAD Warren Brook**

Requested Action:

Impact 170,490 sq. ft. (3.92 acres) of Warren Brook and banks to Restore/Stabilize 6,990 feet of Warren Brook and impact 2,400 sq. ft. feet of a perennial stream.

Conservation Commission/Staff Comments:

Project Coordinated with the NHDOT, NHDES, NHF&G, NRCS

APPROVE PERMIT:

Impact 170,490 sq. ft. (3.92 acres) of Warren Brook and banks to restore/stabilize Warren Brook and both banks (6,990 linear feet) and impact 2,400 sq. ft. feet of a perennial stream due to flood damage.

With Conditions:

1. All work shall be in accordance with:
 - a. Plans and Design Report, both titled Warren Brook Stabilization Project Phase 1, by Horizons Engineering dated Feb. 2007, as received by the Department on February 28, 2007;
 - b. Technical Specifications Warren Brook Stabilization Project Phase 1 by Horizons Engineering dated Feb. 2007, as received by the Department on April 26, 2007; and
 - c. The Amendment Request by Sean Sweeney on behalf of the Town of Alstead dated May 4, 2007 as received by the Department on May 7, 2007.
2. All work shall be coordinated with the adjacent and overlapping project file 2006-01897, NH Dept. of Transportation #1454II.
3. Written permission from the property owners shall be acquired prior to any work is started on properties of others.
4. This permit is contingent on submission of final stream diversion/erosion control plans as noted on sheet 9 under construction sequence #1. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction unless specifically authorized per the approved plans and report.
6. The locations and details of the sod donor areas shall be submitted to the file for approval along with written permission from the landowner prior to work in those areas.
7. Unconfined work within the brook, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.

8. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Construction equipment shall not be staged within surface waters and crossings shall be minimized.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, with a minimum of 20 feet of undisturbed vegetated buffer or as specified on approved plans sheet 9 of 9, Erosion Control General Notes.
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
18. Faulty equipment shall be repaired prior to entering jurisdictional areas.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
21. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
22. Standard precautions shall be taken to prevent import or transport of seed stock from nuisance and invasive species such as, but not limited to, purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*).
23. Wetland soils from areas vegetated with purple loosestrife shall not be used for "sod mats" to stabilize embankments.
24. Bank stabilization areas shall have at least 75% successful establishment of vegetation after two (2) growing seasons, or it shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.
25. Wetland creation and enhancement areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydraulic regime.
26. The permittee shall monitor the initial construction of the mitigation area to assure the work is accomplished in accordance with the plan, and that the necessary soil, water and vegetation is present upon completion of work. Site monitoring shall include a plan for removing invasive species and shall be reviewed by the Wetlands Bureau prior to implementation.
27. The permittee shall conduct a follow-up inspection after the first growing season, to review the success of the project area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the initial completion of each mitigation site. After at least five full growing seasons, the permittee shall delineate the wetlands within the mitigation site and document the delineation with data forms and depict the delineation as an overlay of the final as built plans.
28. The impacts associated with the temporary work shall be remediated immediately following construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(t), restoration of altered or degraded wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on November 8, 2005. Field inspection determined that the

streams and adjacent riparian areas were significantly degraded from the storm events of October 2005 that destroyed many properties and infrastructure.

6. The design for this project was coordinated with numerous state and federal agencies.
7. This restoration project will improve water quality, reduce erosion of the brook banks, and increase habitat for fish and wildlife.
8. The total area within the jurisdiction of the US Army Corps of Eng. was estimated to be 2.09 acres.

2007-00796 WILMOT, TOWN OF
WILMOT Unnamed Wetland Riverbank

Requested Action:

Dredge and fill a total of 3657 square feet for the replacement of an existing washed out pipe arch culvert with a proposed 40 foot span bridge further described as follows: Retain 252 square feet of rip rap within the channel of Cascade Brook, retain 1325 square feet of rip rap along 115 linear feet of bank and impact 539 square feet of palustrine forested wetland and 1545 square feet of bank for drainage improvements of the existing unnamed tributary to Cascade Brook.

APPROVE PERMIT:

Dredge and fill a total of 3657 square feet for the replacement of an existing washed out pipe arch culvert with a proposed 40 foot span bridge further described as follows: Retain 252 square feet of rip rap within the channel of Cascade Brook, retain 1325 square feet of rip rap along 115 linear feet of bank and impact 539 square feet of palustrine forested wetland and 1545 square feet of bank for drainage improvements of the existing unnamed tributary to Cascade Brook.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering dated February 2007, and received by the Department on April 19, 2007.
2. The Town shall obtain easements from affected landowners outside of the existing road right-of-way and shall supply copies of the recorded easements to DES Wetlands File No. 2007-00796 prior to construction.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. The applicant shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
5. Work shall be done during annual low flow conditions and during the months of May through September. No in-stream work shall occur after October 1 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game.
6. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
7. Appropriate erosion and siltation controls shall be installed prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Prior to commencing work on a substructure located within surface waters, temporary water diversion measures shall be constructed to isolate the substructure work area from the surface waters.
10. Temporary water diversion measures shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary water diversion measure is fully effective, confined work can proceed without restriction.
11. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
14. There shall be no excavation or operation of construction equipment in flowing water unless specifically authorized pursuant to Condition #3.

15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering jurisdictional areas. Faulty equipment shall be repaired prior to entering jurisdictional areas.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
18. Temporary water diversion measures shall be entirely removed immediately following construction.
19. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
20. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the restoration area during the early stages of vegetative establishment.
21. Upland riparian areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
22. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The proposal is to replace the previously existing 15 foot x 9.5 foot rise pipe arch culvert.
3. The previously existing structure washed out in the storms of May 2006.
4. The roadway is currently serviced by a one land Bailey Bridge structure.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
6. The proposed structure will allow for flows at 50 year storm to pass.
7. The proposed structure has a 40 foot span.
8. Cascade Brook is restricted to a 5 foot channel by ledge just upstream of the proposed structure.
9. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
10. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) [and (c) for tidal projects], (EDIT as needed), Requirements for Application Evaluation, has been considered in the design of the project.
11. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this riverine system.
12. This project was expedited per SOP-201, because the reconstruction of the bridge must be done outside of the academic school year.

MINOR IMPACT PROJECT

2003-02021 GOLDMAN, MARK
SUNAPEE Lake Sunapee

Requested Action:

Remove 67 sq ft of crib pier, repair the remaining 5 ft x 8 ft cribs supporting the remaining 5 ft x 71 ft pier, and amend the existing permit to enlarge seasonal canopy dimensions to a 14 ft x 40 ft structure over two slips and drive 3 tie-off pilings on 400 ft of frontage on Lake Sunapee.

Conservation Commission/Staff Comments:

Con. Com. signed application and support project.

Proposed canopy is nonconforming in size; canopy size on Sunapee is 10 ft x 20 ft; Applicant is requesting 9 ft x 40 ft.

APPROVE AMENDMENT:

Remove 67 sq ft of crib pier, repair the remaining 5 ft x 8 ft cribs supporting the remaining 5 ft x 71 ft pier, and amend the existing permit to enlarge seasonal canopy dimensions to a 14 ft x 40 ft structure over two slips and drive 3 tie-off pilings on 400 ft of frontage on Lake Sunapee.

With Conditions:

1. All work shall be in accordance with crib removal and dock modification plans by Central Lake Dock Co. dated October 21, 2003, as received by the Department on October 23, 2003 and amended plans proposing 3 tie-off piling and seasonal canopy expansion by Watermark Marine Construction dated February 7, 2007, as received by the Department on February 12, 2007.
2. All rocks remaining after the reduction in the crib and other construction related debris. shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
4. No portion of the pier shall extend more than 71 feet from the shoreline at full lake elevation.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Canopies, including their framework, shall be of a seasonal construction type. Canopies shall be removed for five months during the non-boating season.
7. Seasonal canopy shall not exceed a 20 ft height.
8. Tie-off piles shall have a minimum spacing of 12 ft center to center.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minor impact project per Rule Wt 303.03(d), modification of a 4 slip permanent pier.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-01476 LAVOIE, ROBERT
MILTON Great Brook & Lyman Brook**

Requested Action:

Amend permit to increase driveway width from 12' to 18' toe of slope to toe of slope, in response to emergency services requirements; increase in wetlands impact of 874 sq. ft., from 3,597 sq. ft. to 4,471 sq. ft.

Conservation Commission/Staff Comments:

Did not report.

APPROVE AMENDMENT:

Fill a total of 4,471 sq. ft. of wetlands over two locations and install a 36" x 22' culvert at the first location, and three 36" x 25'-30' culverts at the second location to construct driveway crossings to a single family residence on 14.5 acres.

With Conditions:

1. All work shall be in accordance with plans by Berry Surveying and Engineering dated 6/23/04, stamped by CWS on 8/31/04, as received by the Department on 9/13/04, as amended in plans by Blue Moon Environmental dated 4/12/2007, as received by the Department on 4/17/2007.

2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Work shall be done during low flow.

With Findings:

1. The permittee has submitted documentation from the Milton Fire Chief dated March 12, 2007, received by DES on April 12, 2007, substantiating the requirement that the driveway width needs to be increased to meet Life Safety code requirements.
2. The increase in driveway width was presented to the Milton Conservation Commission ("MCC") on March 12, 2007. In a letter dated March 13, 2007, received by DES on April 12, 2007, the MCC stated that they did not object to the amended proposal.

**2005-03068 FULTON, KEITH & DELLA
LEMPSTER Unnamed Wetland**

Requested Action:

Dredge and fill 4542 square feet for internal roadway access in an existing gravel operation.

APPROVE PERMIT:

Dredge and fill 4542 square feet for internal roadway access in an existing gravel operation.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants dated March 27, 2006, and revised through September 12, 2006, as received by the Department on October 3, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. This permit is contingent upon the completed restoration of approximately 18,000 square feet of wetland in accordance with Restoration Approval dated June 12, 2007, to the Department's Satisfaction.
5. Work shall be done during low flow.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. No equipment shall enter jurisdictional areas.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The proposed project is for internal access roads around a gravel pit.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has restored approximately 18,000 square feet of wetland, where roads were built in violation.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The roadway crossings are at the narrowest points of the wetlands and are for access to upland areas.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
7. In accordance with DES Compliance Staff, the project is currently in compliance with the Restoration Approval issued June 12, 2006.
8. DES Staff conducted a field inspection of the proposed project on November 29, 2005. Field inspection determined violations had occurred on the property and DES requested restoration and an after the fact submittal.

2006-01225 TRINITY CONSERVATION LLC
ROCHESTER Unnamed Wetland

Requested Action:

Permittee seeks relief from permit condition no. 11 requiring that all curbing be "Cape Cod" in nature to avoid impact to wood turtles and other aquatic species.

APPROVE AMENDMENT:

Dredge and fill a total of 9,840 sq. ft. of wetlands, including 9,215 sq. ft. of temporary impact and 625 sq. ft. of permanent impact, to install municipal sewer lines and stormwater discharge pipes associated with construction of a 57-lot subdivision.

With Conditions:

1. All work shall be in accordance with revised plans by Norway Plains Associates Inc. dated 11/7/2006, as received by the Department on 11/7/2006.
2. This permit shall not be effective until it has been recorded with the Strafford County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Culvert outlets shall be properly rip rapped.
10. Temporary wetland impact areas shall be restored to original grade and contours, and shall be revegetated with wetlands vegetation compatible with that which is naturally occurring in the immediate vicinity.
11. There shall be no discharge of stormwater to any area where a vernal pool is, or is found to be, present.

With Findings:

1. Permit condition no. 11 is eliminated from the permit conditions, based upon subsequent review of the project details relative to turtle passage, and concurrence from NH Fish & Game Non-game and Endangered Wildlife Program, per telephone conversation on 5/8/2007, that elimination of this condition in the proposed construction locations will not unduly impact the turtle species given the overall open space, curb cuts, and resource locations of this project.

2006-02922 GUGLIEMINO, PETER
LACONIA Lake Winnisquam

Requested Action:

Repair/replace an existing 10 ft 6 in x 23 ft deck, access stairs, and 8 ft x 9 ft shed in the bank, replace the two existing 6 ft x 40 ft seasonal piers with a single 6 ft x 40 ft lift up seasonal dock. Repair and replenish an existing perched beach and replace existing beach stairs with 4 ft wide access steps on 153 ft of average frontage in Laconia on Lake Winnisquam.

APPROVE AMENDMENT:

Repair/replace an existing 10 ft 6 in x 23 ft deck, access stairs, and 8 ft x 9 ft shed in the bank, replace the two existing 6 ft x 40 ft seasonal piers with a single 6 ft x 40 ft lift up seasonal dock. Repair and replenish an existing perched beach and replace existing beach stairs with 4 ft wide access steps on 153 ft of average frontage in Laconia on Lake Winnisquam.

With Conditions:

1. All work shall be in accordance with revised plans by NH Environmental Consultants dated March 16, 2007 as received by the Department on March 20, 2007.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. Deck and beach repairs shall maintain existing size, location and configuration.
4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Existing rocks which have fallen shall be used for repair.
9. Seasonal docks shall be removed from the lake for five months during the non-boating season.
10. No more than 10 cu yd of sand shall be used for beach replenishment.
11. This permit shall be used only once, and does not allow for annual beach replenishment.
12. The steps installed for access to the water shall be located completely landward of the normal high water line.
13. New perched beach stairways shall not exceed a 4 ft width.
14. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), modification of a 3 silp docking facility.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2006-03143 LACONIA, CITY OF
LACONIA Taylor Brook

Requested Action:

Dredge and fill a total of 658 square feet within the bed and banks of Taylor Brook for installation of a 4 ft-high x 6 ft-wide x 41 ft 5 in-long precast concrete box culvert further described as follows: Temporarily impact 191 square feet for dewatering and burying the existing 12 inch waterline under the stream bed, and permanently impact 467 square feet for the installation of the culvert and bank stabilization.

APPROVE PERMIT:

Dredge and fill a total of 658 square feet within the bed and banks of Taylor Brook for installation of a 4 ft-high x 6 ft-wide x 41 ft 5 in-long precast concrete box culvert further described as follows: Temporarily impact 191 square feet for dewatering and burying the existing 12 inch waterline under the stream bed, and permanently impact 467 square feet for the installation of the culvert and bank stabilization.

With Conditions:

1. All work shall be in accordance with plans by Hoyle Tanner and Associates dated November 2006, as received by the Department on December 8, 2007.
2. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. No equipment shall enter the water.
9. All work shall be done from the top of the bank.
10. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
12. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
13. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
14. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
16. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
17. Proper headwalls shall be constructed within seven days of culvert installation.
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The proposal is to replace the existing undersized box culvert with a new structure that will have a larger hydrologic opening.
3. The proposal is also to improve the size of the hydrologic opening by burying the existing 12-inch waterline under the culvert rather than having it run through the center of the culvert.
4. The proposal will also improve public safety thorough the area, by incorporating sidewalks where currently there are none.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 6 The closed bottom box is necessary to protect the waterline which is being buried under the proposed structure.
7. The proposed structure is no longer than the existing structure even with the newly proposed sidewalks.
8. The proposal will also improve treatment of stormwater prior to it entering the perennial stream.

9. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
10. The applicant has addressed fisheries concerns to NH Fish and Game's satisfaction.
11. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2006-03199 HAGAN, JOHN & MERLENE
LITTLETON Unnamed Wetland

Requested Action:

After-the-Fact application to retain 1,305 of wetlands and intermittent stream fill for the construction of a driveway to a single family home and restore 15,920 sq. ft. of scrub-shrub wetlands and 197 linear feet of associated intermittent stream. The retained fill area includes an 18 in. x 40 ft. HDPE culvert, associated headwalls, grading and filling.

APPROVE PERMIT:

After-the-Fact application to retain 1,305 of wetlands and intermittent stream fill for the construction of a driveway to a single family home and restore 15,920 sq. ft. of scrub-shrub wetlands and 197 linear feet of associated intermittent stream. The retained fill area includes an 18 in. x 40 ft. HDPE culvert, associated headwalls, grading and filling.

With Conditions:

1. All work shall be in accordance with plans by Watershed to Wildlife, Inc., plan sheets titled After-the-Fact Wetland Application and Restoration Plan Site Overview, Restoration Plan Overview, Typical Driveway Cross-Section, Culvert Cross-Section and Intermittent Stream Restoration Cross-Section, dated February 2007 and "Wetlands Application Narrative", as received by DES on February 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during low flow.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. Restoration of the impacted wetlands and intermittent stream areas shall be completed by September 1, 2007.
8. Wetlands and intermittent stream restoration areas shall be regraded to original contours.
9. The proposed shrub plantings shall be planted a minimum of 10 feet on center and shall consist of native shrub species. The surrounding areas shall be seeded with a native wetlands seed mix and mulched with straw.
10. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after one full growing season, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
11. A functional and stable streambed and bank shall be re-established to the satisfaction of the DES Wetlands Bureau.
12. Invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) shall be controlled by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
13. A qualified wetlands consultant shall supervise the restoration activities on the Property to ensure that the restoration is accomplished pursuant to this Approval.
14. A post-construction/restoration report documenting the status of the restoration areas with photographs shall be submitted to the DES Wetlands Bureau within 30 days of the completion of construction and no later than October 1, 2007. An additional restoration monitoring report shall be submitted to the DES Wetlands Bureau by October 1, 2008.
15. Transfer of ownership of the Property shall require notification to DES and an agreement on transfer of the rights and obligations of this approval, if required, prior to such transfer of ownership.
16. This permit shall not preclude DES from further compliance or permitting actions.
17. The deed which accompanies the sales transaction of this lot shall contain conditions 6, 14 and 15 of this approval.
18. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a

minimum of 20 feet of undisturbed vegetated buffer.

19. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.

20. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

21. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

22. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

23. All refueling of equipment shall occur at least 100 feet from surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 sq. ft. of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or its banks which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on December 29, 2006. It was determined through the field inspection that an intermittent stream and wetlands had been impacted without a permit from DES.
6. The applicant submitted a After-the-Fact application and Restoration Plan in response to the site inspection and subsequent Letter of Deficiency #WET 07-001 issued by DES on January 3, 2007.
7. The applicant is required to provide follow-up monitoring reports.

**2006-03225 KULLGREN, JENNIFER
TEMPLE Unnamed Stream Wetland**

Requested Action:

Dredge and fill 105 square feet (25 linear feet) of the southern bank of Blood Brook for bridge abutment construction; and temporarily impact 450 square feet (30 linear feet) of Blood Brook bed and bank for log/pole ford and abutment construction; and dredge and fill 880 square feet of associated forested wetlands for common driveway access to three (3) lots of a 3-lot subdivision on 9.93 acres.

APPROVE PERMIT:

Dredge and fill 105 square feet (25 linear feet) of the southern bank of Blood Brook for bridge abutment construction; and temporarily impact 450 square feet (30 linear feet) of Blood Brook bed and bank for log/pole ford and abutment construction; and dredge and fill 880 square feet of associated forested wetlands for common driveway access to three (3) lots of a 3-lot subdivision on 9.93 acres.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated November 21, 2006, and subdivision dated August 23, 2006, and revised through November 16, 2006, as received by the Department on December 21, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 3 of this approval.

5. Work shall be done during annual low flow conditions.
6. In the event there is flow at the time of construction and stream diversion is required; a stream diversion plan shall be submitted to the department prior to construction. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. There shall be no excavation or operation of construction equipment in flowing water.
11. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
13. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
14. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
20. All in-stream work, including the construction and removal of the pole/log ford temporary crossing, shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed 30 consecutive days in total unless specifically authorized in writing by the DES Wetlands Bureau.
21. The temporary log or pole ford crossing shall be entirely removed from Blood Brook within three (3) days of the completion of the bridge construction.
22. Banks shall be restored to their original grades and to a stable condition within three (3) days of completion of construction.
23. Extreme precautions shall be taken to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated with native like species within three (3) days of the completion of this project.
24. Within three (3) days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
25. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
26. A post-construction report documenting the status of the completed bridge construction, temporary pole/log ford crossing, and restored streambed and banks shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), alteration of less than 200 linear feet of a perennial stream channel or its banks.
2. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Temple Conservation Commission.
3. Blood Brook borders NH Route 101 along the entire road frontage of tax map/lot 2/55, and crossing is required to access buildable upland.
4. The applicant has proposed common driveway access to all three (3) lots of the proposed subdivision.
5. The applicant has proposed a bridge crossing at Blood Brook.
6. A NH certified wetland scientist has confirmed the forested wetland classification given to the 880 square foot impact area for driveway construction.

7. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
8. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
9. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2007-00136 HENNIKER, TOWN OF
HENNIKER Contoocook River

Requested Action:

Dredge and fill 1,983 square feet of the bank of the Contoocook River for riprap stabilization and stone swale installation and temporarily impact 1,220 square feet of the bed of the Contoocook River for the installation of temporary support steel columns and turbidity curtain required for the rehabilitation of the Ramsdell Road 108-foot span steel Warren Truss Bridge (Bridge No. 123/106) needed to increase the carrying capacity of the structure. Rehabilitation includes replacement of deteriorated members, including the entire decking systems.

APPROVE PERMIT:

Dredge and fill 1,983 square feet of the bank of the Contoocook River for riprap stabilization and stone swale installation and temporarily impact 1,220 square feet of the bed of the Contoocook River for the installation of temporary support steel columns and turbidity curtain required for the rehabilitation of the Ramsdell Road 108-foot span steel Warren Truss Bridge (Bridge No. 123/106) needed to increase the carrying capacity of the structure. Rehabilitation includes replacement of deteriorated members, including the entire decking systems.

With Conditions:

1. All work shall be in accordance with plans by Hoyle, Tanner & Associates, Inc. dated February 2007, and revised through April 2007, as received by the DES Wetlands Bureau on May 01, 2007.
2. This permit is contingent on receipt by the DES Wetlands Bureau of the temporary support system details.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. The permittee shall notify in writing the DES Wetlands Bureau, the Henniker Conservation Commission and the Contoocook and North Branch Rivers River Local Advisory Committee at least 7 days prior to the commencement of project construction.
5. Work shall be done during low flow conditions.
6. There shall be no excavation or operation of construction equipment in flowing water.
7. There shall be operation of construction equipment in the bed of the Contoocook River.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Appropriate erosion and siltation controls shall be installed prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
11. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
12. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
16. Excavated material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
17. All temporarily stockpiled material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
18. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

19. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
20. A post-construction report documenting the status of the completed project, including photographs during and post construction shall be submitted to the Wetlands DES within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), alteration of less than 200 linear feet of a perennial nontidal river channel or its banks.
2. The applicant has provided a copy of the subordination agreement that allows the Town of Henniker to maintain, "...those portions of River Road, Commercial Street including the iron bridge...", currently the Ramsdell Road bridge. In addition, the US Army Corps of Engineers have been advised of the proposed project.
3. The NHFG Nongame and Endangered Wildlife Program reviewed the project and no issues are anticipated from the proposed rehabilitation and associated riprap installation.
4. No comments were submitted from the Contoocook and North Branch Rivers LAC.
5. In accordance with Env-Ws 1409.03, the applicant provided a tree inventory for areas within 25-feet of all impact areas.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2007-00387 NH DEPT OF TRANSPORTATION
PINKHAMS GRANT Ellis River

Requested Action:

Construct a 90-foot long pedestrian bridge to provide access to the main parking area of the AMC visitor center impacting 3,220 sq. ft. (1,440 sq. ft. temporary) of riverine and palustrine wetlands.

APPROVE PERMIT:

Construct a 90-foot long pedestrian bridge to provide access to the main parking area of the AMC visitor center impacting 3,220 sq. ft. (1,440 sq. ft. temporary) of riverine and palustrine wetlands. NHDOT project #14564.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bridge Design dated 2/21/07, as received by the Department on Feb. 28, 2007.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
5. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
6. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
7. Temporary cofferdams shall be entirely removed immediately following construction.
8. Construction equipment shall not be located within surface waters.

9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
16. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
17. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
18. The impacts associated with the temporary work shall be restored immediately following construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of river and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project will provide access for pedestrian traffic connecting the AMC visitor center's main parking area with the overflow parking area without utilizing the adjacent roadway shoulder.
6. The project will improve public safety.
7. The project was reviewed at the Natural Resource Agency meeting held at the NHDOT on January 24, 2007.

MINIMUM IMPACT PROJECT

**2005-01879 WHITE, MICHAEL
PITTSFIELD**

Requested Action:

Maintenance dredge 500 square feet of an existing farm pond as it is suspected of poisoning existing livestock.

CONFIRM EMERGENCY AUTHORIZATION:

Maintenance dredge 500 square feet of an existing farm pond as it is suspected of poisoning existing livestock.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new

application and further permitting by the Bureau.

With Findings:

1. This project is classified as a Minimum Impact project per Rule Env-Wt 303.04(k) Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways.
2. The project was necessary to provide a safe water supply for livestock.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on August 17, 2005.
4. Review of the report submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2006-00657 SHB PROPERTIES LLC
NEW BOSTON Unnamed Wetland

Requested Action:

Approve permit amendment to revise the installation of a 3-foot(rise) x 3-foot(span) x 16-foot(length) box culvert to a 4-foot x 16-foot embedded RCP culvert at Wetland Crossing #1; and revise the installation of a 3-foot(rise) x 3-foot(span) x 16-foot(length) box culvert to a 4-foot x 16-foot embedded RCP culvert at Wetland Crossings #2; and revise associated permit conditions and findings.

APPROVE AMENDMENT:

Dredge and fill 1,780 square feet of palustrine forested wetlands at three (3) wetlands crossings including the installation of a 4-foot x 16-foot embedded RCP culvert and associated headwalls at Wetland Crossing #1 impacting 230 square feet, a 4-foot x 16-foot embedded RCP culvert and associated headwalls at Wetland Crossing #2 impacting 350 square feet, and a 15-inch x 24-foot RCP culvert and associated headwall and outlet structure at Wetland Crossing #3 impacting 1,200 square feet to construct three (3) driveways for access to three (3) lots of a 9-lot residential subdivision on an approximately 26 acre parcel.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated July 28, 2006 (revised), as received by the DES Wetlands Bureau on August 4, 2006, and plans by Meridian Land Services, Inc. dated March 24, 2006, and revised through March 19, 2007, as received by the DES Wetlands Bureau on March 22, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit shall not be effective until it has been recorded with the Hillsborough County Registry of Deeds by the Permittee and a copy of the registered permit has been received by the DES Wetlands Bureau.
4. The deed which accompanies the sales transaction of each lot in this subdivision shall contain condition #5 of this approval.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. All work shall be done during low flow.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. Silt fence(s) must be removed once the area is stabilized.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Orange construction fencing shall be placed at the limits of construction adjacent to each wetland impact area to prevent

accidental encroachment on wetlands.

- 15. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering or working near surface waters or wetlands.
- 16. Faulty equipment shall be repaired prior to entering jurisdictional areas.
- 17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
- 18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

The DES Wetlands Bureau reaffirms original findings 1-8:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The impacts are necessary for the construction of three (3) driveways for access to three (3) lots of a 9-lot residential subdivision.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Env-Wt 302.03. The driveways were configured to minimize wetlands impacts by crossing the wetlands at their narrowest points and minimizing side-slope fill.
- 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. Of the nine buildable lots, two lots are presently developed.
- 6. The applicant submitted a memorandum from the New Boston Planning Board to the DES Wetlands Bureau (received July 11, 2006) stating that to meet the requirements of a Zoning Ordinance, the applicant must receive a permit from the DES Wetlands Bureau for the proposed driveway to Lot #12-65-8 (Wetland Crossing #3) even if they intend to access the building site from another location. The applicant intends to access the lot from the Pulpit Road cul-de-sac and not Bedford Road, thereby avoiding Wetland Crossing #3. The applicant has indicated that restrictions have been added to Lot #12-65-8 to negate Wetland Crossing #3.
- 7. The Conservation Commission submitted comments to the DES Wetlands Bureau (received July 11, 2006) stating that they support the DES Wetlands Bureau's approval of Wetland Crossing #3 knowing that it will never be used.
- 8. The applicant coordinated with the Nongame and Endangered Wildlife Program of the NH Fish and Game Department (NHFGD) to assess potential impacts on Blanding's turtle and Eastern hognose snake documented in the project area.

The DES Wetlands Bureau also makes the following additional finding(s):

- 9. The NHFG Nongame and Endangered Wildlife Program has approved the proposed 48-inch embedded RCP culvert revisions at wetland impact areas 1 and 2.

2006-02044 MIDDLETON, ROBERT & JUDY
DUMMER Unnamed Wetland

Requested Action:

Approve after-the-fact request to retain 800 sq. ft. of forested wetlands impact and restore 2,000 sq. ft. of forested wetlands for recreational access to the upland portion of the 1.54 acre lot.

APPROVE PERMIT:

Approve after-the-fact request to retain 800 sq. ft. of forested wetlands impact and restore 2,000 sq. ft. of forested wetlands for recreational access to the upland portion of the 1.54 acre lot.

With Conditions:

- 1. All work shall be in accordance with plans and narratives by Lobdell Associates Inc., as received by DES on February 26, 2007.
- 2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 3. Work shall be done during low flow.
- 4. Proper headwalls shall be constructed within seven days of culvert installation.

5. The proposed culvert shall not impede or redirect natural surface water or surface runoff flows.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. Restoration of the impacted wetlands shall be completed by September 1, 2007.
8. Wetlands restoration areas shall be regraded to original contours.
9. The proposed tree and shrub plantings shall be planted a minimum of 10 feet on center and shall consist of native species. The surrounding areas shall be seeded with a native wetlands seed mix and mulched with straw.
10. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after one full growing season, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
11. Invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) shall be controlled by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
12. A certified wetland scientist shall supervise the restoration activities on the Property to ensure that the restoration is accomplished pursuant to this Approval.
13. A post-construction/restoration report documenting the status of the restoration areas with photographs shall be submitted to the DES Wetlands Bureau Compliance Section within 30 days of the completion of construction and no later than October 1, 2007.
14. Transfer of ownership of the Property shall require notification to DES and an agreement on transfer of the rights and obligations of this approval, if required, prior to such transfer of ownership.
15. The deed which accompanies the sales transaction of this lot shall contain conditions 6, and 14 of this approval.
16. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
17. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
21. All refueling of equipment shall occur at least 100 feet from surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 sq. ft. in swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
4. DES inspected the site on July 26, 2006 and determined wetlands had been filled without a permit.
5. The New Hampshire Fish and Game Department did not submit comments regarding the proposed project.
6. Due to the limited amount of uplands on the site there will be no further alteration of wetlands allowed. Additionally, the approved access is for recreational use only.
7. This approval is contingent on wetlands restoration activities being supervised by a New Hampshire Certified Wetland Scientist.

2007-00053 SARTELL, EDWARD
LACONIA Lake Winnepesaukee

Requested Action:

Repair/replace existing crib supported "T-shaped" docking facility with 12 seasonal piers "in-kind" on frontage in Laconia on Lake Winnepesaukee.

Inspection Date: 03/09/2007 by Chris T Brison

APPROVE PERMIT:

Repair/replace existing crib supported "T-shaped" docking facility with 12 seasonal piers "in-kind" on frontage in Laconia on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Ed Sartell dated April 15, 2007, as received by DES on May 2, 2007.
2. This permit shall not be effective until it has been recorded with the appropriate County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Repair to dock it's support system shall maintain existing size, location and configuration.
4. Seasonal docks shall be removed from the lake for five months during the non-boating season.
5. Seasonal boatlift and seasonal PWC lift shall be removed from the lakebed for 5 months during the nonboating season.
6. This permit does not authorize maintenance dredge.
7. Existing crib rock material shall be used for repair/replacement.
8. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl and their breeding and nesting areas are be avoided to the maximum extent practicable.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v), repair/replacement of existing docking facilities.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2007-00372 NH DEPT OF TRANSPORTATION
OSSIPEE Unnamed Wetland Beech River

Requested Action:

Fill 3,000 sq. ft. of palustrine wetlands to repair/replacement guardrail and resurface Route 16.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

APPROVE PERMIT:

Fill 3,000 sq. ft. of palustrine wetlands to repair/replacement guardrail and resurface Route 16. NHDOT project #14434.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Highway Design dated 2/07, as received by the Department on February 23, 2007.

2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
5. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
8. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

2007-00394 CRAWFORD II, BRUCE & JANICE
BELMONT Unnamed Wetland

Requested Action:

Dredge and fill 2490 square feet of isolated disturbed wet meadow for access and a parking lot in the construction of a indoor sports facility.

APPROVE PERMIT:

Dredge and fill 2490 square feet of isolated disturbed wet meadow for access and a parking lot in the construction of a indoor sports facility.

With Conditions:

1. All work shall be in accordance with plans by Bryan L bailey and Associates Inc dated January 20, 2007, as received by the Department on March 7, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work shall be conducted during low water conditions.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. Silt fencing must be removed once the area is stabilized.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. Most of the proposed impacts are for construction of the access road around the building.
3. The access road around the building is required for safety access.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided documentation that the wetlands proposed to be impacted are of low function and value.
6. The wetlands proposed to be impacted are isolated.
7. The wetlands proposed to be impacted have been historically disturbed by agricultural activities.
8. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
9. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2007-00519 NH DEPT OF TRANSPORTATION
HILLSBOROUGH Tributary To Contoocook River

Requested Action:

Replace a 30 in. x 78 ft. culvert with a 36 in. x 78 ft. culvert and replace headwall temporarily impacting 450 sq. ft. of a seasonal stream.

Conservation Commission/Staff Comments:

Cons. Comm and River Comm. - no comments

APPROVE PERMIT:

Replace a 30 in. x 78 ft. culvert with a 36 in. x 78 ft. culvert and replace headwall temporarily impacting 450 sq. ft. of a seasonal stream. NHDOT project #M404-1.

With Conditions:

1. All work shall be in accordance with plans by NHDOT dated 2/07 as received by the Department on March 15, 2007.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

FORESTRY NOTIFICATION

**2007-00790 TRAVELERS INN
LITTLETON Unnamed Stream**

COMPLETE NOTIFICATION:

Littleton Tax Map/Lot# 64/1, 75/6,75/13 & 76/7

**2007-00983 RANDOLPH, TOWN OF
RANDOLPH Unnamed Stream**

COMPLETE NOTIFICATION:

Randolph Tax Map R19, Lot# 1

**2007-00997 ZANES, JAMES & JOHANNA
GILMANTON Unnamed Stream**

COMPLETE NOTIFICATION:

Gilmanton Tax Map 22, Lot# 17

**2007-00999 OMALLEY, VINCENT
SUTTON Unnamed Stream**

COMPLETE NOTIFICATION:

Sutton Tax Map 1, Lot# 192,030

**2007-01000 STEVENS, LORING
HILLSBOROUGH Unnamed Stream**

COMPLETE NOTIFICATION:

Hillsboro Tax Map 3, Lots 13-22

**2007-01004 LOCKE, JOSEPH
NORTH HAVERHILL Unnamed Stream**

COMPLETE NOTIFICATION:

North Haverhill Tax Map 413, Lot# 98

**2007-01005 LOCKE, JOSEPH
NORTH HAVERHILL Unnamed Stream**

COMPLETE NOTIFICATION:

North Haverhill Tax Map 413, Lot# 57

**2007-01008 FRAZER, BRUCE
MONROE Unnamed Stream**

COMPLETE NOTIFICATION:
Monroe Tax Map U1, Lot# 3 & 5

2007-01009 H&H INVESTMENTS LLC
WESTMORELAND Unnamed Stream

COMPLETE NOTIFICATION:
Westmoreland Tax Map R18, Lot# 3

2007-01010 LADD, MILDRED
BRENTWOOD Unnamed Stream

COMPLETE NOTIFICATION:
Brentwood Tax Map 224, Lot# 6 Access Only

2007-01011 HANOVER WATER WORKS
HANOVER Unnamed Stream

COMPLETE NOTIFICATION:
Hanover Tax Map/Lot# 12/9 & 5/112, 113 & 114

2007-01012 CHURCHILL, RANDY
BROOKFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Brookfield Tax Map 15, Lot# 2

2007-01023 DRAKE, ROBERT
BARTLETT Unnamed Stream

COMPLETE NOTIFICATION:
Bartlett 1 Thorne Lot# 62L00

2007-01024 BEYE, HANNAH GILE
DEERFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Deerfield Tax Map 409, Lot# 54

2007-01025 SEMINERIO, MARILYN
HVERHILL Unnamed Stream

COMPLETE NOTIFICATION:
East Haverhill Tax Map 83, Lot# 61

**2007-01033 WHITE MTN NATIONAL FOREST
STARK Unnamed Stream**

COMPLETE NOTIFICATION:

Stark Tax Map/Lot# 411/11, 412/43 & 48, 413/48, 414/48 & 420/ 48

EXPEDITED MINIMUM

**2007-00528 AHLQUIST, CRAIG & MARY
HOOKSETT Merrimack River**

Requested Action:

Amendment request to add "Green Gabions" to the top of the river bank and add a vegetated buffer.

APPROVE AMENDMENT:

Dredge and fill approximately 180 linear ft. of bed and bank of the Merrimack River for repair, stabilization and restoration of a failing slope resulting from recent flood events. The work area is approximately 180 linear ft. and extends up slope approximately 30 feet. The proposed work consists of a combination of riprap toe and bed stabilization with an upper riprap slope covered with loam, seeded and planted with red osier dogwood and willow live stakes. Additionally, "Green Gabions" or equivalent will be placed in the upper portions of the bank/slope and a vegetated buffer will be planted at the top of the bank. The gabions and top of bank buffer will be planted with native plant species. The site is marked by NRCS engineer at DSR #47, as identified by the Town of Hooksett and qualified by a federal agency's multidisciplinary team to be funded as part of the USDA-NRCS Emergency Watershed Protection (EWP) program in response to the flooding.

With Conditions:

1. All work shall be in accordance with drawings and narratives by the USDA Natural Resources Conservation Service (NRCS) plan sheet entitled "Streambank Stabilization", Town of Hooksett, DSR Site #47, dated February 2007 as received by the DES on April 19, 2007; plan sheets titled "Plan View" and "Cross Sections", dated February 2007 as received by DES on March 26, 2007; plan sheet titled "Details, Construction Schedule, and Notes", dated February 2007, as received by DES on April 9, 2007; Construction Specifications 2, 5, 6, 8, 11, 23, 61, 95 and 406 and Material Specifications 523 and 592, as received by the DES on April 9, 2007 and plan sheet titled "Hooksett, NH Ewp-DSR Site 47 Wire Mesh Gabion Details", dated May 11, 2007, as received by DES on May 14, 2007.
2. Prior to commencing work, the applicant shall submit a final "Pollution Control Plan" to the DES Wetlands Bureau for review and approval.
3. The property owner shall design a natural woodland buffer planting plan for the top of bank and submit it to DES for review and approval within 60-days of the completion of the bank stabilization work. The planting plan shall include only native seeding, shrub and tree species.
4. The applicant shall obtain temporary construction easements or written agreements from affected landowners prior to the start of work.
5. The applicant shall notify the DES Wetlands Bureau, the Town Board of Selectman and the Town Conservation Commission of the start work, notification shall be given at least 5 days prior to the start of work.
6. A finalized plan set and follow-up report with photographic documentation shall be filed with the DES Wetlands Bureau within 30 days of the completion of work.
7. Work shall be inspected by NRCS to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no

turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

10. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
11. All work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
12. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the river. In-stream work shall not exceed five (5) consecutive days in total unless specifically authorized by the DES Wetlands Bureau.
13. The permittee and/or their contractor shall monitor the weather and shall not commence work within flowing water, including the installation of cofferdams, when rain is forecast.
14. Discharge from dewatering of work areas shall be to sediment basins that are located in uplands and lined with hay bales or other acceptable sediment trapping liners.
15. Material shall be dewatered in sedimentation basins located outside of the jurisdiction of the DES Wetlands Bureau. The dewatering area shall be lined with siltation and erosion controls to prevent runoff from entering jurisdictional areas.
16. There shall be no excavation or filling conducted in flowing water.
17. Extreme precautions shall be taken to limit unnecessary removal of vegetation within riparian areas or woodland buffer.
18. Cleared areas that will be revegetated shall be replanted with similar native (noninvasive) species.
19. Erosion control structures must be removed once the area is stabilized.
20. Temporary structures installed to isolate the work area and channel flow through the work area during construction shall be entirely removed immediately following construction.
21. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid. Faulty equipment shall be repaired immediately.
22. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use. 1. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
23. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(t), restoration of altered or degraded wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
4. DES received written agreements from direct abutters within 20 feet of the proposed work in accordance with Administrative Rule Env-Wt-304.04(a).
5. The permit is conditioned on compliance with the Comprehensive Shoreland Protection Act, RSA 483-B.
6. The Hooksett Conservation Commission had no objections to the proposed project, with the recommendation that the landowner further augment the proposed vegetative cover.
7. The New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program (NHFG) submitted concerns regarding a specie and habitat identified near the project area, brook floater mussel and wintering eagle habitat. NHFG recommended riprap be minimized, preferred bio-engineering and the use of large stones in place of riprap. Additionally, NHFG recommended establishment of a riparian buffer.
8. DES discussed this issue with NRCS and was informed that the riprap is needed due to the height and steepness of the slope and the limited space available to alter the grade.
9. The approximately upper 16 ft. of the bank will be planted with native shrub species.
10. The permit is contingent on a final planting plan for a natural woodland buffer at the top of the river bank.
11. This stabilization site was identified by the Town of Hooksett following the recent flooding and qualified by a multi-disciplinary team from the USDA-NRCS to be funded as part of the Emergency Watershed Protection (EWP) program.
12. The shoreline stabilization site was identified by the Town because of the ongoing erosion and potential threat to property.

2007-00586 **SOUMAR, RADOVAN & ALENA**
HINSDALE Lily Pond Brook

Requested Action:

Remove debris and stabilize riprap basin and banks around concrete block headwall, take existing wall down on north side and fix

the footing area that the blocks sit on and put back on the blocks where they originally sat, take the blocks down on the south side of the headwall and level the footing, along Lilly Pond Brook to riprap approximately 100 linear feet of riprap on the banks of Lilly Pond Brook, as directed by the NRCS engineer at DSR # 38;

Town of Hinsdale and qualified by a federal agency's multidisciplinary team to be funded as part of the USDA-NRCS Emergency Watershed Protection (EWP) program in response to the October 2005 flooding and as identified in Construction Specifications 2, 5, 6, 8, 11, 21, 23, 61, 95.

APPROVE AMENDMENT:

Remove debris and stabilize riprap basin and banks around concrete block headwall, take existing wall down on north side and fix the footing area that the blocks sit on and put back on the blocks where they originally sat, take the blocks down on the south side of the headwall and level the footing, along Lilly Pond Brook to riprap approximately 100 linear feet of riprap on the banks of Lilly Pond Brook, as directed by the NRCS engineer at DSR # 38;

Town of Hinsdale and qualified by a federal agency's multidisciplinary team to be funded as part of the USDA-NRCS Emergency Watershed Protection (EWP) program in response to the October 2005 flooding and as identified in Construction Specifications 2, 5, 6, 8, 11, 21, 23, 61, 95.

With Conditions:

1. All work shall be in accordance with plans received by the Department on April 2, 2007 and the amendment received May 3, 2007.
2. Prior to commencing work, the applicant shall submit a "Pollution Control Plan" and "Debris Disposal Plan" to the DES Wetlands Bureau for review and approval.
2. The applicant shall obtain temporary construction easements or written agreements from affected landowners prior to the start of work.
4. The applicant shall notify the DES Wetlands Bureau, the Town Board of Selectmen, the Town Conservation Commission at least (2) days prior to the start of work.
5. A finalized set of plans and follow-up report with photographic documentation shall be filed with the DES Wetlands Bureau within 14 days of the completion of work.
6. Work shall be inspected by NRCS to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
7. All work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the river. In-stream work shall not exceed five (5) consecutive days in total unless specifically authorized by the DES Wetlands Bureau.
9. The permittee and/or their contractor shall monitor the weather and shall not commence work within flowing water, including the installation of cofferdams, when rain is forecast.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. Discharge from dewatering of work areas shall be to sediment basins that are located in uplands and lined with hay bales or other acceptable sediment trapping liners.
12. Extreme precautions shall be taken to limit unnecessary removal of vegetation within riparian areas.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. These stabilization sites were identified by the Town of Hinsdale following the October 2005 flooding and qualified by a multi-disciplinary team from the USDA-NRCS to be funded as part of the Emergency Watershed Protection (EWP) program.
6. The shoreline stabilization sites were identified by the Town because the ongoing erosion causes threat to downstream infrastructure or adjacent infrastructure.
7. Removal of the standing trees is necessary to reduce mass failure of undercut and compromised river banks.

- 8. The DES Wetlands Bureau and DES Watershed Management Bureau many of the project sites with NRCS staff on September 20, 2006.
- 9. The NH Natural Heritage Bureau did not have record of any rare or endangered species or exemplary natural communities near the project sites.

2007-00682 GULL, JOHN
NORTHWOOD Pleasant Lake

Requested Action:

Install a seasonal boatlift and canopy adjacent to existing "C-shaped" docking system on 73 ft of frontage in Northwood on Pleasant Lake.

APPROVE PERMIT:

Install a seasonal boatlift and canopy adjacent to existing "C-shaped" docking system on 73 ft of frontage in Northwood on Pleasant Lake.

With Conditions:

- 1. All work shall be in accordance with plans by John Guill dated May 7, 2007, as received by DES on May 7, 2007.
- 2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
- 3. Seasonal docking system, canopy, and boatlift shall be removed from the lake for five months during the non-boating season.
- 4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
- 5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
- 6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
- 7. This permit does not authorize maintenance dredge.
- 8. This permit does not authorize beach replenishment or construction.
- 9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ac), installation of a seasonal boatlift.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2007-00686 MCINTOSH, LOUIS
DOVER Piscataqua River

Requested Action:

Impact a total of 4,072 sq. ft. of the previously developed upland tidal buffer zone (landward of the 50' primary building setback) to construct an addition on an existing dwelling; install a swimming pool, patio, gravel drive; and install a new water line, sewer line and pump chamber.

APPROVE PERMIT:

Impact a total of 4,072 sq. ft. of the previously developed upland tidal buffer zone (landward of the 50' primary building setback) to construct an addition on an existing dwelling; install a swimming pool, patio, gravel drive; and install a new water line, sewer line and pump chamber.

With Conditions:

1. All work shall be in accordance with plans by Ross Engineering dated 4/2/2007 as received by DES on 4/11/2007.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects located in the previously developed upland tidal buffer zone that are not major or minor.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant is replacing the existing septic with city sewer and water and wishes to upgrade the residence and its associated landscape.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The work is confined to the developed area of the lot, and is all located greater than 50' landward of the highest observable tide line. The existing leachfield, which is closer than 50' to the river, is to be abandoned in place with no additional disturbance.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by NH Heritage Bureau. The Dover Conservation Commission signed the expedited application.

**2007-00718 MANCHESTER HIGHWAY DEPT, CITY OF
MANCHESTER Unnamed Wetland**

Requested Action:

Temporarily impact approximately 885 square feet of wetlands to replace an existing sewer line as part of the City of Manchester's Combined Sewer Overflow (CSO) separation efforts. Work to include replacement of approximately 300 linear feet of an existing 24-inch diameter sewer line with a new 24 and 30-inch diameter sewer line. Additionally, 890 linear feet of new 15-inch sewer line will be installed. The temporary wetland impacts will be restored to pre-impact conditions.

Conservation Commission/Staff Comments:

1. The Conservation Commission signed the expedited application.
2. The New Hampshire Fish & Game Department did not submit comments.

APPROVE PERMIT:

Temporarily impact approximately 885 square feet of wetlands to replace an existing sewer line as part of the City of Manchester's Combined Sewer Overflow (CSO) separation efforts. Work to include replacement of approximately 300 linear feet of an existing 24-inch diameter sewer line with a new 24 and 30-inch diameter sewer line. Additionally, 890 linear feet of new 15-inch sewer line will be installed. The temporary wetland impacts will be restored to pre-impact conditions.

With Conditions:

1. All work shall be in accordance with plans by Metcalf & Eddy, Inc., (sheets C-24 and C-19A), dated June 2006, as received by the Department on April 16, 2007.

2. The City of Manchester shall obtain temporary construction easements (if applicable) from affected landowners for any wetland impacts outside of the existing sewer easement or City of Manchester property. If temporary construction easements are required copies of the recorded easements shall be submitted to DES Wetlands File No. 2007-00718 prior to construction.
3. Work shall be done during low flow or low groundwater conditions.
4. Construction equipment shall work from upland and temporary impact areas.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Temporary wetland impact areas shall be regraded to original contours following completion of work.
10. Wetland impact areas shall be replanted with native wetland plant species.
11. A post-construction report documenting the status of the wetland restoration area with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
12. The wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after one (1) growing season, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
13. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require further permitting by the Bureau.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to entering the construction area.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of swamps or wet meadows.
2. The proposed project is associated with a previous permit, File #2006-00251, for a sewer line upgrade. The cumulative impacts for the projects continue to meet the minimum impact criteria.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
6. The New Hampshire Fish and Game Department did not submit comments regarding the proposed project.

2007-00726 DURHAM, TOWN OF
DURHAM Reservoir Brook

Requested Action:

Replace existing 75 year old water main with a new 12" main, temporarily impacting 400 sq. ft. of Pettee Brook.

APPROVE PERMIT:

Replace existing 75 year old water main with a new 12" main, temporarily impacting 400 sq. ft. of Pettee Brook.

With Conditions:

1. All work shall be in accordance with plans by Underwood Engineers Inc. dated April 2007, as received by DES on 4/17/2007.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
4. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
5. Temporary cofferdams shall be entirely removed immediately following construction.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
8. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
10. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance or repair of non-docking structures.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Durham Conservation Commission signed the application.

2007-00756 MINER, LOIS
DUNBARTON Unnamed Wetland

Requested Action:

Dredge and fill 1232 square feet including installation of a 20-foot x 5-inch culvert for access in the subdivision of 6.13 acres into two single family residential lots.

APPROVE PERMIT:

Dredge and fill 1232 square feet including installation of a 20-foot x 5-inch culvert for access in the subdivision of 6.13 acres into two single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Christopher K Danforth and Associates dated March 26, 2007, as received by the Department on April 19, 2007, and Subdivision Plans by JE Belanger Surveying PLLC dated August 22, 2006, and revised through October 2, 2006, as received by the Bureau on May 15, 2007.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. Work shall be done during low flow.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain

until the area is stabilized.

8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2007-00840 NH DES DAM BUREAU, JIM GALLAGHER
BARNSTEAD Suncook River

Requested Action:

Repair an existing 15 ft x 72 ft public boat ramp and remove eroded material deposited over 630 sq ft of the bed of the Suncook River, in Barnstead.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 15 ft x 72 ft public boat ramp and remove eroded material deposited over 630 sq ft of the bed of the Suncook River, in Barnstead.

With Conditions:

1. All work shall be in accordance with plans dated April 21, 2007, as received by DES on April 25, 2007.
2. Area shall be regraded to original contours following completion of work.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Repair shall maintain existing size, location and configuration.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Work shall be done during drawdown.
9. Work shall be done during low flow.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair, or replacement of non-docking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

2007-00872 BARBER, SUSAN
MARLOW Gee Brook

Requested Action:

Temporary impacts along approximately 30 linear feet of Gee Brook for channel and streambank stabilization. All impact areas will be repaired, seeded, and mulched as the project is completed. The work area is approximately 30 feet in length and extends up slope approximately 15 linear feet. The site is marked by NRCS engineer at DSR #10, as identified by the Town of Marlow and qualified by a federal agency's multidisciplinary team to be funded as part of the USDA-NRCS Emergency Watershed Protection (EWP) program in response to the October 2005 flooding.

APPROVE PERMIT:

Temporary impacts along approximately 30 linear feet of Gee Brook for channel and streambank stabilization. All impact areas will be repaired, seeded, and mulched as the project is completed. The work area is approximately 30 feet in length and extends up slope approximately 15 linear feet. The site is marked by NRCS engineer at DSR #10, as identified by the Town of Marlow and qualified by a federal agency's multidisciplinary team to be funded as part of the USDA-NRCS Emergency Watershed Protection (EWP) program in response to the October 2005 flooding.

With Conditions:

1. All work shall be in accordance with drawings and narratives by the USDA Natural Resources Conservation Service (NRCS) entitled "Channel and Streambank Stabilization", Town of Marlow, DSR Site #10, and Construction Specifications 4, 5, 6, 8, 9, 11, 23, 61 and 95 submitted in support of the permit application as received by the DES Wetlands Bureau on May 2, 2007.
2. Prior to commencing work, the applicant shall submit a final "Pollution Control Plan" to the DES Wetlands Bureau for review and approval.
3. The applicant shall obtain temporary construction easements or written agreements from affected landowners prior to the start of work.
4. The applicant shall notify the DES Wetlands Bureau, the Town Board of Selectman and the Town Conservation Commission of the start work, notification shall be given at least 5 days prior to the start of work.
5. A finalized plan set and follow-up report with photographic documentation shall be filed with the DES Wetlands Bureau within 14 days of the completion of work.
6. Work shall be inspected by NRCS to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
7. All work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the river. In-stream work shall not exceed five (5) consecutive days in total unless specifically authorized by the DES Wetlands Bureau.
9. The permittee and/or their contractor shall monitor the weather and shall not commence work within flowing water, including the installation of cofferdams, when rain is forecast.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. Discharge from dewatering of work areas shall be to sediment basins that are located in uplands and lined with hay bales or other acceptable sediment trapping liners.
12. Material shall be dewatered in sedimentation basins located outside of the jurisdiction of the DES Wetlands Bureau. The dewatering area shall be lined with siltation and erosion controls to prevent runoff from entering jurisdictional areas.
13. There shall be no excavation or filling conducted in flowing water.
14. Extreme precautions shall be taken to limit unnecessary removal of vegetation within riparian areas.
15. Cleared areas that will be revegetated shall be replanted with similar native (noninvasive) species.
16. Erosion control structures must be removed once the area is stabilized.
17. Temporary structures installed to isolate the work area and channel flow through the work area during construction shall be entirely removed immediately following construction.

- 18. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering or working near surface waters or wetlands.
- 19. Faulty equipment shall be repaired prior to entering or working near jurisdictional areas.
- 20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(t), restoration of altered or degraded wetlands.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
- 3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
- 4. This stabilization site was identified by the Town of Marlow following the October 2005 flooding and qualified by a multi-disciplinary team from the USDA-NRCS to be funded as part of the Emergency Watershed Protection (EWP) program.
- 5. The shoreline stabilization site was identified by the Town because of the ongoing erosion and potential threat to adjacent and downstream infrastructure and property.
- 6. There were no Natural Heritage Bureau or New Hampshire Fish & Game threatened, endangered or species of special concern or exemplary natural communities identified through a data review of the project area.

GOLD DREDGE

2007-01013 MATHESON, FREDERICK
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2007-01014 LIESENDAHL, GARY
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2007-01017 TEAL, PETER
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2007-01021 THOMPSON, WILLIAM
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2007-01032 CRAWFORD, VERNON
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

LAKES-SEASONAL DOCK NOTIF

2007-01018 MALLARD COVE CONDOMINIUM ASSOCIATION
LACONIA Lake Opechee

COMPLETE NOTIFICATION:
Laconia, NH Tax map 309 lot 3 block 71
Lake Opechee

2007-01019 MULLEN, DEBORAH
LOUDON Clough Pond

COMPLETE NOTIFICATION:
Loudon, NH Tax map 58 lot 82
Clough Pond

2007-01030 LAWRENCE, ROBERT
SANBORNVILLE Horn Pond

COMPLETE NOTIFICATION:
Sanbornville, NH Tax map 156 lot 20
Horn Pond

2007-01040 EMERSON, RANDALL
STODDARD Highland Lake

COMPLETE NOTIFICATION:
Bedford, NH Tax map 127 lot 48
Highland Lake

2007-01043 FITZPATRICK, NELSON
WINDHAM Canobie Lake

COMPLETE NOTIFICATION:
Windham, NH Tax map 18L lot 13 block 92
Canobie Lake

SHORELAND VARIANCE / WAIV

2007-00060 BEYER, RICHARD H & LINDA
HEBRON Newfound Lake

ROADWAY MAINTENANCE NOTIF

2007-00998 KEENE, CITY OF
ROXBURY Unnamed Stream

COMPLETE NOTIFICATION:
replace 24" culvert with 36" culvert and rebuild headwalls

PERMIT BY NOTIFICATION

2007-00861 RIESENBERG, JEROME
NELSON Unnamed Stream

Requested Action:
Dredge and fill 500 square feet (20 linear feet) of intermittent stream and associated forested wetlands to install an 18-inch x 20-foot culvert for driveway access to a single family residence.

PBN IS COMPLETE:
Dredge and fill 500 square feet (20 linear feet) of intermittent stream and associated forested wetlands to install an 18-inch x 20-foot culvert for driveway access to a single family residence.

With Findings:

1. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(8), the installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot for noncommercial, recreational, uses that meets the criteria in Env-Wt 303.04(z).
2. The proposed project was originally submitted under a Minimum Impact Expedited Application, file # 2006-02463, the application was denied untimely on March 08, 2007, with the following findings: a) A request for additional information dated October 26, 2007, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request; b) Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application; and c) DES did not receive the requested additional information within the 120 days and therefore the application has been denied.
3. The agent was instructed by DES to re-file a Permit by Notification (PBN).
4. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.

5. The proposed driveway provides access to a single family building lot.

2007-00862 CORMIER, EUGENE
WOLFEBORO Lake Winnepesaukee

Requested Action:
Repair/replace concrete supports on permanent nonconforming docking facility.

PBN IS COMPLETE:
Repair/replace concrete supports on permanent nonconforming docking facility.

With Findings:
1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2007-00907 MILL POND VIEW LLC
NOTTINGHAM Nottingham Lake

Requested Action:
Install 75 linear ft. of sand bag coffer dam at failed dam outlet.

PBN DISQUALIFIED:
Install 75 linear ft. of sand bag coffer dam at failed dam outlet.

With Findings:
1. The applicant does not provide a clear project purpose associated with placement of the sand bags.
2. Plans do not reflect that coffer dam is to be a water control device associated with reconstruction of an existing structure, but appear to be a new dam structure in and of itself.
3. The proposal does not meet the criteria of Administrative Rule Env-Wt 303.04(l) relative to construction of temporary coffer dams as it is not shown to be a temporary structure associated creating a dry work space for repair or maintenance of existing structures, nor do the plans indicate a professional engineer's design authorship or stamp.

2007-00930 WALKER, CINDY
ALTON Lake Winnepesaukee

Requested Action:
Repair existing docking faciily and install a Seasonal Boatlift and two seasonal PWC lifts on 101.7 ft of frontage in Alton on Lake Winnepesaukee.

PBN IS COMPLETE:
Repair existing docking faciily and install a Seasonal Boatlift and two seasonal PWC lifts on 101.7 ft of frontage in Alton on Lake Winnepesaukee.

With Findings:
1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2007-00951 LONG, GERALD & PRISCILLA
GILFORD Lake Winnepesaukee**

Requested Action:

Repair/replace existing docking structure in kind and install a seasonal boatlift and two PWC lifts.

PBN IS COMPLETE:

Repair/replace existing docking structure in kind and install a seasonal boatlift and two PWC lifts.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2007-00972 JOHNSON JR, CARL & LINDA WOOD
MEREDITH Lake Winnepesaukee**

**2007-00979 MILNOR, ELAINE
ALTON Lake Winnepesaukee**

Requested Action:

Repair/replace existing docking facility "in-kind".

PBN IS COMPLETE:

Repair/replace existing docking facility "in-kind".

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.